

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 18, 2008. Claims 1-3, 8, 10-17 and 22-29 were pending in the Application. Applicants note with appreciation the indication of allowance of claims 20, 21, 27 and 28. In the office Action, Claims 1-3, 8, 10-17, 22-26 and 29 were rejected. In view of the following remarks, Applicants respectfully request reconsideration and favorable action in this case.

SECTION 102 REJECTIONS

Claims 1-3, 8, 10-17, 22-26 and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,425,986 issued to Guyette (hereinafter "*Guyette*"). Applicants respectfully disagree and request reconsideration.

Of the rejected claims, Claims 1, 17, 22, 23, 25 and 29 are independent. Independent Claim 1 recites: "a cementitious substrate having a first side and a second side", "at least one resin impregnated paper over at least one of said first and second sides", "a stress-relieving polymeric film disposed between said cementitious substrate and said at least one resin impregnated paper", said polymeric film acting as a stress relaxer between said cementitious substrate and said at least one resin impregnated paper" and "an adhesive disposed on at least one surface of the polymeric film", wherein the adhesive is disposed between the polymeric film and the cementitious substrate, between the polymeric film and the at least one resin impregnated paper, or combinations thereof" (emphasis added). Applicants submit that *Guyette* does not disclose or even suggest each and every limitation recited by independent Claim 1. For example, in the March 18, 2008 Office Action, the Examiner states the following:

Guyette discloses adhesives (20,21) in column 6 between the substrate and the at least one resin impregnated sheet. Applicant recites that the polymeric film can be a polyvinyl film. *Guyette* discloses that the adhesives can be polyvinyl acetate. The stress-relieving elastomer and adhesive are present in structure in the reference as required by the present claims.

(March 18, 2008 Office Action, Page 4) (emphasis added). Applicants respectfully submit that contrary to the Examiner's assertions, the stress-relieving elastomer and adhesive are not present in structure in *Guyette* as required by the present claims. For example, referring specifically to FIGURE 2, *Guyette* illustrates that a single layer of adhesive 20 is disposed on top surface 12 of the substrate. Nowhere are both adhesives 20 and 21 disposed between the substrate and the at least one resin impregnated sheet such that "an adhesive is disposed on at

least one surface of the polymeric film", as recited by independent Claim 1. In fact, adhesive 21 is not illustrated in any of the FIGURES of *Guyette*. *Guyette* recites that "[t]he top surface 12 of the fiber centerboard may optionally contain an adhesive layer (identified by reference numeral 20 in FIG. 2) disposed thereon" (*Guyette*, Col. 4, Lines 8-10)(emphasis added). Thus, upon reading *Guyette* (and upon viewing the figures), it is clear that only a single layer of adhesive is disposed between the substrate and the resin impregnated sheet and thus, cannot form "a stress-relieving polymeric film disposed between said cementitious substrate and said at least one resin impregnated paper" and "an adhesive disposed on at least one surface of the polymeric film, wherein the adhesive is disposed between the polymeric film and the cementitious substrate, between the polymeric film and the at least one resin impregnated paper, or combinations thereof" as recited by independent Claim 1.

In addition, Applicants note that the patent specification recites even/odd and chronologically corresponding numerals referring to surfaces/pieces located above the substrate (generally even numerals for those parts above the substrate, such as for example, top surface 12, resin impregnated sheet 30) and surfaces/pieces located below the substrate (generally odd numerals, such as, for example, bottom surface 13, resin impregnated sheet 31). Based on the nomenclature and existing ordering of components discussed in the *Guyette* specification, adhesive layer 21 would appear to be positioned adjacent to bottom surface 13, which corresponds generally to the same pattern of odd numerals for surfaces/pieces located below the substrate. Thus, adhesive 21 would not be disposed on the surface of adhesive 20. In such a configuration disclosed by *Guyette*, adhesive 21 performs the same function as the adhesive layer 20 on top surface 12 (e.g., to improve the adhesion of the kraft paper sheet or if the kraft paper sheet is not present, to improve the adhesion of the intermediate sheet 41 to the fiber cementboard surface 12, See *Guyette*, Col. 4, Lines 14-19). This configuration becomes further apparent as the specification recites that "[t]he bottom surface of the fiber cementboard may optionally contain an adhesive layer disposed thereon." (*Guyette*, Col. 4, Lines 32-33) (emphasis added). Accordingly, Applicants submit that *Guyette* does not disclose, teach or suggest "an adhesive disposed on at least one surface of the polymeric film" and, as such, the statement that the "stress-relieving elastomer and adhesive are present in structure in the reference as required by the present claims" is erroneous.

Independent Claim 17 recites, in part: "a stress-relieving polymeric film disposed between said cementitious substrate and said at least one resin impregnated paper, said polymeric film acting as a stress relaxer between said cementitious substrate and said at least one resin impregnated paper" and "at least one adhesive layer disposed between said

cementitious substrate and said at least one resin impregnated paper, wherein the at least one adhesive layer is deposited between the cementitious substrate and the polymeric film, deposited between the polymeric film and the at least one resin impregnated paper, or combinations thereof" (emphasis added). Independent Claims 22, 23, 25 and 29 each recite, in part: "a stress-relieving polymeric film disposed between said cementitious substrate and said at least one resin impregnated paper, said polymeric film acting as a stress relaxer between said cementitious substrate and said at least one resin impregnated paper" and "an adhesive disposed on at least one surface of the polymeric film, wherein the adhesive is disposed between the polymeric film and the cementitious substrate, between the polymeric film and the at least one resin impregnated paper, or combinations thereof" (emphasis added). For at least the reasons discussed above with respect to independent Claim 1, Applicants respectfully submit that *Guyette* fails to disclose or even suggest the limitations as recited by Claims 17, 22, 23, 25 and 29. Therefore, for at least this reason, Applicants submit that Claims 17, 22, 23, 25 and 29 are also patentable over the *Guyette* reference.

Claims 2, 3, 8, 10-16, 18-19, 24, 26-28 depend respectively from independent Claims 1, 17, 23 and 25 are also not anticipated by *Guyette* at least because they incorporate the limitations of respective claims 17, 22, 23, 25 and 29 and also additional elements that further distinguish *Guyette*. Therefore, Applicants respectfully submit that the rejection of Claims 1-3, 8, 10-17, 22-26 and 29 is improper.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner for Patents is hereby authorized to charge any fee deficiency or to credit any fee overpayment relating to this matter to Deposit Account No. 07-0153.

Respectfully submitted,

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